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7 THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
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8 LLC

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
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14 ROOTS READY MADE GARMENTS CO.
W.L.L.,

15 Plaintiff,
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17 v.

18 THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC

19 Defendants.
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Case No. C 07-03363 CRB

**GAP'S MOTION FOR ORDER
SHORTENING TIME FOR BRIEFING
AND HEARING ON MOTION FOR
PROTECTIVE ORDER**

Date: February 29, 2008
Time: 10:00 a.m.
Dept: 8
Judge: Honorable Charles R. Breyer

NOTICE OF MOTION AND MOTION

Please take notice that, pursuant to Civil Local Rule 6-3, Defendants THE GAP, INC., a/k/a GAP, INC., GAP INTERNATIONAL SALES, INC., BANANA REPUBLIC, LLC, and OLD NAVY, LLC (Gap) hereby move this Court to establish the following briefing and hearing schedule for Gap's accompanying Motion for a Protective Order:

- The opposition brief will be filed no later than Thursday, February 28, 2008;
- The reply brief will be filed no later than Thursday, February 28, 2008;
- The hearing will be held on Friday, February 29, 2008, possibly by telephone if convenient for the Court and Roots.

This expedited schedule is justified to conserve resources and avoid substantial harm. Roots has noticed the deposition of Mr. Fabre for March 4, 2008, only seven days after the filing of Gap's Motion for Protective Order and only twelve days after Gap's receipt of the notice of deposition. Declaration of Rebekah Punak In Support of Motion For Order Shortening Time ("Punak Decl."), filed herewith, Ex. A. Gap will suffer substantial prejudice should the Court not grant the present motion to shorten time. Adhering to the regular 35-day schedule for briefing Gap's motion for a protective order will postpone hearing of the motion until April 4, 2008, almost a full month after Mr. Fabre's deposition is noticed to go forward. Gap will suffer the same harm if the Court does not alter the briefing schedule as it would had it not filed its motion for a protective order: it will be forced to incur the undue prejudice and expense of preparing for and attending Mr. Fabre's deposition.

Gap has moved promptly to protect its rights while complying with its meet and confer obligations under Local Civil Rule 37-1(a) and Federal Rule of Civil Procedure 26(c)(1). Attorneys for Gap attempted to contact Roots by telephone and email on February 25 and February 26, 2008 to request a stipulation on this motion to shorten time. *Id.* at ¶¶ 6-8, Ex. B. Roots responded by email on February 26, 2008, stating that it would not be available to confer until 4 p.m. that afternoon. *Id.*, Ex. C. Counsel for Gap spoke with counsel for Roots that afternoon by telephone and again requested a stipulation on a shortened briefing scheduled. *Id.*, ¶ 8. Roots responded that it would oppose this motion. *Id.* Gap filed this motion and the

1 Motion for a Protective Order immediately following the conference of counsel on February 26,
2 2008.

3 This motion to shorten time is based on this Notice of Motion and Motion, the
4 Declaration of Rebekah Punak in Support of Motion for Order Shortening Time, and the
5 pleadings, papers, records and documents filed in this action, as well as any further matters that
6 may be presented to the Court prior to its ruling on this Motion.

7 Dated: February 26, 2008

KEKER & VAN NEST, LLP

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10 By: /s/ Rebekah Punak
11 REBEKAH PUNAK
12 Attorneys for Defendants
13 GAP INTERNATIONAL SALES, INC.,
14 THE GAP, INC., BANANA REPUBLIC,
15 LLC, and OLD NAVY, LLC
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